

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CITY OF PHILADELPHIA  
c/o Law Department  
1515 Arch Street, 14<sup>th</sup> Floor  
Philadelphia, PA 19132  
Plaintiff,

v.

23-CV-\_\_\_\_\_

HEMPSTEAD PROPERTIES, LLC  
2565 North Bancroft Street  
Philadelphia, PA 19132  
Defendants.

**DEFENDANT, HEMPSTEAD PROPERTIES, LLC’S NOTICE OF REMOVAL  
TO UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

Defendant, Hempstead Properties, LLC, files this Notice of Removal to the United States District for the Eastern District of Pennsylvania, and avers as following:

1. On May 24, 2023 Plaintiff, City of Philadelphia, commenced an action in the Court of Common Pleas, under color of state law, against Defendants seeking at least \$460,000.00 in damages for alleged code violations. See Hempstead Exhibit 1.
2. Defendant, Hempstead Properties, LLC, removes this state court action to this Court in order to defend their constitutional rights under the United States Constitution, federal laws and statutes.

3. This Court's exercise of jurisdiction is sought pursuant to 28 U.S.C. §§ 1331, 1332, 1367, 1441 and 1446 *et seq.* and 42 U.S.C. § 1983.
4. A Jury Trial, reasonable attorney fees, interests and costs are demanded.

Respectfully submitted,

*s/ Olivia Gabriel*

---

Olivia Gabriel, Esquire  
The Gabriel Law Firm, LLC  
1800 John F. Kennedy Boulevard, Suite 300  
Philadelphia, PA 19103  
Telephone: (267) 979-1682  
Facsimile: (267) 363-4196  
ogabriel@bghadvocates.com

**CERTIFICATE OF SERVICE**

I, Olivia Gabriel, on this 26th day of June, hereby certify that attached document was filed in this Court and was served on the person noted below:

Caroline Curley, Esquire  
CITY OF PHILADELPHIA  
Law Department  
1515 Arch Street  
Philadelphia, PA 19102

Respectfully submitted,

*s/ Olivia Gabriel*

---

Olivia Gabriel, Esquire  
The Gabriel Law Firm, LLC  
1800 John F. Kennedy Boulevard, Suite 300  
Philadelphia, PA 19103  
Telephone: (267) 979-1682  
Facsimile: (267) 363-4196  
ogabriel@bghadvocates.com

# Exhibit 1

Court of Common Pleas of Philadelphia County  
Trial Division**Civil Cover Sheet**

For Prothonotary Use Only (Docket Number)

**MAY 2023****02578**

E-Filing Number: 2305056488

PLAINTIFF'S NAME CITY OF PHILADELPHIA		DEFENDANT'S NAME HEMPSTEAD PROPERTIES LLC	
PLAINTIFF'S ADDRESS C/O LAW DEPARTMENT 1515 ARCH ST, 14TH FLOOR PHILADELPHIA PA 19107		DEFENDANT'S ADDRESS 2565 N BANCROFT STREET PHILADELPHIA PA 19132	
PLAINTIFF'S NAME		DEFENDANT'S NAME HEMPSTEAD PROPERTIES LLC	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS 105 WEIR STREET HEMPSTEAD NY 11550	
PLAINTIFF'S NAME		DEFENDANT'S NAME HEMPSTEAD PROPERTIES LLC	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS 502 W. 7TH STREET, SUITE #100 ERIE PA 16502	
TOTAL NUMBER OF PLAINTIFFS 1	TOTAL NUMBER OF DEFENDANTS 3	COMMENCEMENT OF ACTION <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Petition Action <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Writ of Summons <input type="checkbox"/> Transfer From Other Jurisdictions	
AMOUNT IN CONTROVERSY <input type="checkbox"/> \$50,000.00 or less <input type="checkbox"/> More than \$50,000.00	COURT PROGRAMS <input type="checkbox"/> Arbitration <input type="checkbox"/> Mass Tort <input type="checkbox"/> Commerce <input type="checkbox"/> Settlement <input type="checkbox"/> Jury <input type="checkbox"/> Savings Action <input type="checkbox"/> Minor Court Appeal <input type="checkbox"/> Minors <input type="checkbox"/> Non-Jury <input type="checkbox"/> Petition <input type="checkbox"/> Statutory Appeals <input type="checkbox"/> W/D/Survival <input checked="" type="checkbox"/> Other: <u>CODE ENFORCEMENT-CITY OF PHILA</u>		
CASE TYPE AND CODE E3 - EQUITY - NO REAL ESTATE (TRO)			
STATUTORY BASIS FOR CAUSE OF ACTION			
RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER)		FILED <b>PRO PROTHY</b> <b>MAY 24 2023</b> <b>D. KIM</b>	
		IS CASE SUBJECT TO COORDINATION ORDER? YES    NO	
TO THE PROTHONOTARY: Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: <u>CITY OF PHILADELPHIA</u> Papers may be served at the address set forth below.			
NAME OF PLAINTIFF'S/PETITIONER'S/APPELLANT'S ATTORNEY CAROLINE B. CURLEY		ADDRESS 1515 ARCH ST 15TH FLOOR PHILADELPHIA PA 19102	
PHONE NUMBER (215) 683-5105	FAX NUMBER none entered		
SUPREME COURT IDENTIFICATION NO. 322203		E-MAIL ADDRESS caroline.curley@phila.gov	
SIGNATURE OF FILING ATTORNEY OR PARTY CAROLINE CURLEY		DATE SUBMITTED Wednesday, May 24, 2023, 10:52 am	

FINAL COPY (Approved by the Prothonotary Clerk)

# PHILADELPHIA COURT OF COMMON PLEAS PETITION/MOTION COVER SHEET

FOR COURT USE ONLY	
ASSIGNED TO JUDGE:	ANSWER/RESPONSE DATE:
Do not send Judge courtesy copy of Petition/Motion/Answer/Response. Status may be obtained online at <a href="http://courts.phila.gov">http://courts.phila.gov</a>	

## CONTROL NUMBER:

23054910

(RESPONDING PARTIES MUST INCLUDE THIS  
NUMBER ON ALL FILINGS)

May Term, 2023  
Month Year  
No. 02578

CITY OF PHILADELPHIA VS HEMPSTEAD  
PROPERTIES LLC ETAL

Name of Filing Party:  
CITY OF PHILADELPHIA-PLF

## INDICATE NATURE OF DOCUMENT FILED:

☒ Petition (Attach Rule to Show Cause) ☐ Motion  
☐ Answer to Petition ☐ Response to Motion

Has another petition/motion been decided in this case? ☐ Yes ☐ NoIs another petition/motion pending? ☐ Yes ☐ No

If the answer to either question is yes, you must identify the judge(s):

TYPE OF PETITION/MOTION (see list on reverse side)	PETITION/MOTION CODE (see list on reverse side)
ANSWER / RESPONSE FILED TO (Please insert the title of the corresponding petition/motion to which you are responding):	
<b>I. CASE PROGRAM</b>  OTHER PROGRAM  Court Type: <u>CODE ENFORCEMENT-CITY OF PHILA</u> Case Type: <u>EQUITY - NO REAL ESTATE (TRO)</u>	<b>II. PARTIES (required for proof of service)</b> (Name, address and <b>telephone number</b> of all counsel of record and unrepresented parties. Attach a stamped addressed envelope for each attorney of record and unrepresented party.)  CAROLINE B CURLEY 1515 ARCH ST 15TH FLOOR , PHILADELPHIA PA 19102 HEMPSTEAD PROPERTIES LLC 2565 N BANCROFT STREET , PHILADELPHIA PA 19132 HEMPSTEAD PROPERTIES LLC 105 WEIR STREET , HEMPSTEAD NY 11550 HEMPSTEAD PROPERTIES LLC 502 W. 7TH STREET, SUITE #100 , ERIE PA 16502
<b>III. OTHER</b>	

By filing this document and signing below, the moving party certifies that this motion, petition, answer or response along with all documents filed, will be served upon all counsel and unrepresented parties as required by rules of Court (see PA. R.C.P. 206.6, Note to 208.2(a), and 440). Furthermore, moving party verifies that the answers made herein are true and correct and understands that sanctions may be imposed for inaccurate or incomplete answers.

\_\_\_\_\_  
(Attorney Signature/Unrepresented Party)

May 24, 2023  
(Date)

CAROLINE B. CURLEY  
(Print Name)

\_\_\_\_\_  
(Attorney I.D. No.)

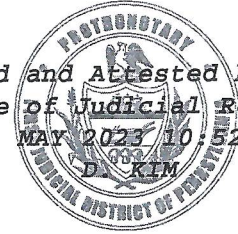
The Petition, Motion and Answer or Response, if any, will be forwarded to the Court after the Answer/Response Date.  
No extension of the Answer/Response Date will be granted even if the parties so stipulate.



**CITY OF PHILADELPHIA, LAW DEPARTMENT**

By: Caroline Curley, Deputy City Solicitor  
 Attorney Identification No. 322203  
 1515 Arch Street, 15th Floor  
 Philadelphia, PA 19102-1595  
 Caroline.Curley@phila.gov; (215) 683-5105

Filed and Attested by the  
 Office of Judicial Records  
 24 MAY 2023 10:52 am  
 D. KIM



<b>CITY OF PHILADELPHIA</b>	:	COURT OF COMMON PLEAS
Plaintiff,	:	PHILADELPHIA COUNTY
	:	CIVIL TRIAL DIVISION
v.	:	
	:	
<b>HEMPSTEAD PROPERTIES LLC</b>	:	_____ TERM, 2023
2565 N BANCROFT	:	
PHILADELPHIA, PA 19132	:	
and	:	NO. _____
105 WEIR STREET	:	
HEMPSTEAD, NY 11550	:	
and	:	
502 W 7TH STREET, SUITE #100	:	
ERIE, PA 16502	:	
Defendant.	:	

**NOTICE TO DEFEND**  
 (Continued on Second Page)

You have been sued in court, if you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you in the court without further notice for any money claimed in the complaint or for any other claim or relief requested by plaintiff. You may lose money or property or other rights important to you.

“Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las páginas siguientes, usted tiene veinte (20) días, de plaza al partir del fecha de la demanda y la notificación. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomará medidas y puede continuar la demanda en contra suya sin previo aviso o notificación. Además, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas la provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

**NOTICE TO DEFEND**  
**(Continued from First Page)**

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

PHILADELPHIA BAR ASSOCIATION  
LAWYER REFERRAL and INFORMATION  
SERVICE  
ONE READING CENTER  
PHILADELPHIA, PA 19107  
(215) 238-6333

LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELÉFONO A LA OFICINA CUYA DIRECCIÓN SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

SERVICIO DE REFERENCIA E LEGAL  
ONE READING CENTER  
FILADELFIA, PA 19107 (215) 238-6333



**CITY OF PHILADELPHIA, LAW DEPARTMENT**

By: Caroline Curley, Deputy City Solicitor  
 Attorney Identification No. 322203  
 1515 Arch Street, 15th Floor  
 Philadelphia, PA 19102-1595  
 Caroline.Curley@phila.gov; (215) 683-5105

<b>CITY OF PHILADELPHIA</b>	:	<b>COURT OF COMMON PLEAS</b>
Plaintiff,	:	<b>PHILADELPHIA COUNTY</b>
	:	<b>CIVIL TRIAL DIVISION</b>
v.	:	
	:	
<b>HEMPSTEAD PROPERTIES LLC</b>	:	_____ TERM, 2023
2565 N BANCROFT	:	
PHILADELPHIA, PA 19132	:	
and	:	NO. _____
105 WEIR STREET	:	
HEMPSTEAD NY 11550	:	
and	:	
502 W 7TH STREET, SUITE #100	:	
ERIE, PA 16502	:	
Defendant.	:	

**COMPLAINT**

Plaintiff, City of Philadelphia, by its undersigned counsel, respectfully applies to this Court for an order imposing statutory fines and reinspection fees as are authorized under the Philadelphia Code for violations found at the premises located at 2565 N Bancroft, Philadelphia, PA 19132.

In support of the City's request, the City represents that:

1. Plaintiff, City of Philadelphia, is a municipal corporation of the first class of the Commonwealth of Pennsylvania under the Act of April 21, 1949, P.L. 665, § 1, *et seq.*
2. Defendant, Hempstead Properties LLC, is the owner of record and otherwise responsible party (hereinafter "Defendant") for the premises located at 2565 N Bancroft, Philadelphia, PA 19132 with the OPA Account No. 161100200 (hereinafter "Subject Premises").
3. The mailing address for the OPA Account associated with the Subject Premises is 105 Weir Street, Hempstead NY 11550.

4. Defendant is limited liability corporation registered in the Commonwealth of Pennsylvania (Entity No. 6873798); its registered address with the Pennsylvania Department of State is listed only as “Northwest Registered Agent LLC County: Erie;” upon information and belief the address for this location is 502 W 7<sup>th</sup> Street, Suite 100, Erie PA.

5. As provided by the Home Rule Charter and the Philadelphia Code it is the duty of the Department of Licenses and Inspections (hereinafter “Department”): to inspect premises in the City of Philadelphia to determine compliance with the requirements of the Philadelphia Code, to issue notices of violation to individuals not in compliance, and to initiate legal actions against those individuals. *See* Home Rule Charter § 5-1000 *et seq.*; *see also* Phila. Code §§ A-201, A-202 *et seq.*, A-401 *et seq.*, A-501.1; A-502 *et seq.*; and A-503 *et seq.*

**NOTICE OF VIOLATION NO. CF-2022-085440**

6. The Department inspected the Subject Premises on or about August 19, 2022.

7. The Department determined that said premises was in violation of the Administrative Code (“A”) of the Philadelphia Building Construction and Occupancy Code, Title 4 of the Philadelphia Code of General Ordinances due to the conditions cited in Initial Violation Notice No. CF-2022-085440 dated August 19, 2022.

8. A copy of Initial Violation Notice No. CF-2022-085440 is attached hereto as Exhibit “A;” the violations listed in Exhibit “A” are incorporated herein by reference as if fully set out at length.

9. Subsequently, on or about August 20, 2022, the Department, in accordance with the requirements of Philadelphia Code §§ 1-110 and A-502 *et seq.*, sent an Initial Violation Notice and Order to the Defendant, ordering the timely correction of the violations of the Subject Premises by the Defendant. *See* Exhibit “A.”

10. The Initial Notice of Violation ordered the Defendant to correct the cited violations on or before September 23, 2022.

11. On September 23, 2022 the Department re-inspected the Subject Premises and discovered that the above-mentioned violations had not been corrected.

12. On September 24, 2022, the Department served a Final Warning for those violations which were previously cited but remained uncorrected.

13. A copy of the Final Warning, dated September 24, 2022, is attached hereto as Exhibit "B" and is incorporated herein as if fully set forth at length.

14. The Department reinspected the Subject Premises on October 31, 2022 and none of the violations were complied.

15. The Initial Notice of Violation informed Defendant of their right to file an appeal within thirty (30) days from the date of the notice.

16. Defendant did not file an appeal to the Boards Administration from the issuance of the Violation Notices attached as Exhibit "A" and Exhibit "B."

17. As Defendant has not availed themselves of the administrative remedies provided in the Philadelphia Home Rule Charter and § 800 of the Administrative Code, sub-code of Title 4, The Building Construction and Occupancy Code, the Defendant is precluded from challenging the violations and/or notice of violation in this action. *See Gans v. City of Phila.*, 403 A.2d 168, 171 (Pa. Cmwlth. 1979).

18. The Department again reinspected the Subject Premises on April 11, 2023 and none of the violations are complied.

19. To date, the violations cited in Notice of Violation No. CF-2022-085440 have not been corrected.



**COUNT I**  
**STATUTORY FINES**

20. The averments set forth above are incorporated as if fully set forth herein.

21. Pursuant to § 601 of the Administrative Code of Building Construction and Occupancy Code of the Philadelphia Code, Title 4 of the Philadelphia Code when no timely appeal is filed a statutory fine shall be imposed for each offense for each day it continues after the time to correct has passed. Phila. Code §§ A-601.4, A-601.5, and A-601.6.

22. Pursuant to § 601 of the Administrative Code of Building Construction and Occupancy Code of the Philadelphia Code, Title 4 of the Philadelphia Code, any person who violates any provision of the Philadelphia Code “shall be subject to a [minimum] fine of \$300.00 for each offense.” Phila. Code § A-601.1.

23. Pursuant to Philadelphia Code § 1-109(2), Class II violations committed on or after January 1, 2006 or thereafter, are subject to a maximum \$1,000.00 fine for each offense.

24. Pursuant to Philadelphia Code § 1-109(3), Class III violations committed on or after January 1, 2009 are subject to a maximum \$2,000.00 fine for each offense.

**Statutory Fines and Notice of Violation CF-2022-085440**

25. A violation of § A-301.1, as cited in Notice of Violation Number CF-2022-085440, is a Basic/Class I violation/offense.

26. A violation of § A-301.1(5), as cited in Notice of Violation Number CF-2022-085440, is a Class III violation/offense.

27. Notice of Violation Number CF-2022-085440 ordered the Defendant to correct the violations by September 23, 2022. *See* Exhibit “A.”

28. The Department last inspected the violations contained in Notice of Violation Number CF-2022-085440 on April 11, 2023 and none of the violations cited were complied.

29. The period from September 23, 2022 to April 11, 2023 is 200 days.

30. For Notice of Violation Number CF-2022-085440, the total statutory fine being sought is \$460,000.00, which is calculated as: (1 Basic/Class I violation x \$300 x 200 days/offense) + (1 Class III violation x \$2,000 x 200 days/offense).

**WHEREFORE**, Plaintiff seeks a judgment against Defendant in the amount of **\$460,000.00** for statutory fines pursuant to the Philadelphia Code.

**COUNT II**  
**REINSPECTION FEES**

31. The averments set forth above are incorporated as if fully set forth herein

32. Pursuant to Philadelphia Code § A-901.12.2, the City of Philadelphia is entitled to reinspection fees “for all second and subsequent reinspections” when the Department of Licenses and Inspections “determines that a condition previously found not in compliance with [the Philadelphia Code] ...continues not to be in compliance.”

33. The City of Philadelphia is authorized to charge \$100 for the second reinspection, \$200 for the third reinspection, and \$350 for the fourth and all subsequent re-inspections. Phila. Code § A-901.12.2.

**Reinspection Fees for Notice of Violation CF-2022-085440**

34. For Notice of Violation No. CF-2022-085440, the Department re-inspected the Subject Premises on or about October 31, 2022 and April 11, 2023 and at each reinspection discovered that the above-mentioned violations had not been corrected.

35. Pursuant to Philadelphia Code § A-901.12.2, the Defendant is responsible for \$300.00 of re-inspections fees for Notice of Violation Number CF-2022-085440.



**WHEREFORE**, Plaintiff seeks a judgment against Defendant in the amount of **\$300.00**  
for reinspection fees.

Respectfully Submitted:

DIANA P. CORTES  
CITY SOLICITOR

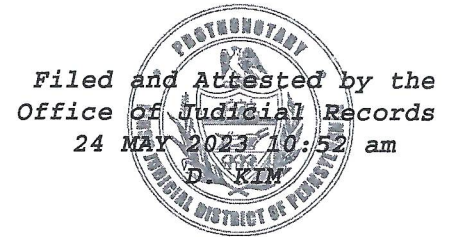
JOANNA KLEIN  
CHIEF DEPUTY CITY SOLICITOR

BY: /s/Caroline Curley  
CAROLINE CURLEY  
DEPUTY CITY SOLICITOR

*Attorneys for Plaintiff, City of Philadelphia*

CBC/ag

## VERIFICATION



**Property Address: 2565 N. Bancroft Street**

**Responsible Party/ Defendant Name: Hempstead Properties LLC**

I, Sherelle Alford, verify that I am the agent for the Plaintiff and that I am authorized to make this verification on its behalf. The statements made in the foregoing pleading are true and correct. I make this verification upon information and belief. I understand that statements made herein are made subject to the Penalties of 18 Pa. C.S.A. Section 4904, relating to unsworn falsification to authorities.

Date:

5/23/23

A handwritten signature in cursive script that reads "Sherelle Alford". The signature is written in black ink and is positioned above the printed name and title.

Sherelle Alford, Code Admin. 2  
Supervisor  
Litigation Support Unit  
Department of Licenses and Inspections

# Exhibit “A”

Case ID: 230502578  
Control No.: 23054916



# ✕ Violation Notice and Order to Correct

L&I File Number: CF-2022-085440

## RESPONSIBLE PARTY

Hempstead Properties LLC  
105 Weir Street  
Hempstead, New York 11550

V1



## DISTRICT OFFICE

Construction Services North Central  
District  
1512-14 Cecil B Moore Ave  
Philadelphia, PA 19121  
215-683-0580  
Construction.NorthCentral@phila.gov

## PROPERTY IN VIOLATION

2565 N BANCROFT ST, Philadelphia, PA 19132-3932

## DATE OF NOTICE

08/20/2022

On 08/19/2022 the Department of Licenses and Inspections inspected/investigated the property in violation and found the following condition(s) or activity which violate the Philadelphia Code. Based on these the property is deemed:

## IN VIOLATION

The property will remain in this status until all the violations below are corrected and the Department of Licenses and Inspections has verified the corrective action. You are the person responsible for the correction of these violations.

Any permit or license obtained to comply a violation of working without or in excess of a permit or a license will result in an additional inspection fee equal to the cost of the permit or license. (Phila. Code § A-901.13)

YOU ARE ORDERED TO MAKE THE NECESSARY REPAIRS AND/OR TAKE THE NECESSARY ACTION(S) TO CORRECT THE CITED CONDITIONS PRIOR TO 09/23/2022

## VIOLATIONS

PHILA. CODE §	PHILA. CODE LANGUAGE	CONDITION IN VIOLATION	LOCATION	FINE AMOUNT
A-301.1/3	A building permit is required for altering, modifying, repairing or improving the exterior portion of the structure.	Observed new windows and doors throughout, rear door on second floor appears to be in preparation of a future deck. No permits in system	rear	\$300.00
A-301.1/64	A zoning permit is required for the construction, erection, removal, demolition, or change in exterior dimension of any structure.	Observed new windows and doors throughout, door in rear on second level. No deck constructed yet. No permits in system	rear	\$300.00



Failure to timely correct the violations listed above by or before the correction date listed above will result in the stated fine amount being imposed against you. The fines will be imposed on a per day basis for each violation that remains uncorrected AFTER the stated correction date. Phila. Code § A-601. If you timely correct each violation by the stated correction date, no fines will be due.

In addition to the fines listed above, failure to timely correct the violations will result in you being charged:

- Labor and material costs for any work performed by the City, such as a demolition; sealing of windows or doors; clearing of weeds, trash or debris; relocation expenses for removing occupants, costs associated with cease operations orders. Such costs are subject to an additional administrative fee of 21% (Phila. Code § A-503);
- An additional \$100 fee for repeat abatement work (Phila. Code § A-503.2); and
- Reinspection fees as follows: \$100 for the third inspection, \$200 for the fourth inspection, and \$350 for any additional inspections (Phila. Code § A-901.12.2).

Case ID: 230502578  
Control No.: 23054916





Department of Licenses and Inspections  
City of Philadelphia

# ✕ Violation Notice and Order to Correct

L&I File Number: CF-2022-085440



YOU HAVE THE RIGHT TO APPEAL THIS NOTICE. YOUR APPEAL MUST BE FILED BY 09/19/2022.

IF YOU DO NOT TIMELY FILE AN APPEAL THEN YOU WAIVE YOUR RIGHT TO LATER CHALLENGE ANY PART OF THIS NOTICE. This includes waiving your right to argue: whether the violations existed, whether you were responsible to correct the violations, whether you had enough time to correct the violations, whether the City should have abated the violations, and whether the City can impose fines, fees, or costs against you.

For more information on filing an appeal and/or to obtain the approved form visit the appeals section of the Department of Licenses and Inspections website at [www.phila.gov/li](http://www.phila.gov/li) or the Boards Administration Unit, 11th Floor Municipal Services Building, 1401 J.F.K. Blvd., Philadelphia PA.

Appeals of the Technical Codes, such as the Zoning Code and/or Fire Code, need to be submitted to the appropriate Technical Appeal Board such as the Zoning Board of Adjustment and/or the Board of Safety and Fire Prevention. For additional information call 215-686-8686.

IF YOU HAVE ANY LEGAL QUESTIONS YOU SHOULD CONSULT WITH AN ATTORNEY.

If you do not have an attorney, you can contact the Philadelphia Bar Association Referral and Information Line at 215-238-6333 to have an attorney referred to you. You can also find a list of legal aid service providers at <http://palegalaid.net/legal-aid-providers-in-pa>.



The Philadelphia Code may be found online for free at [www.phila.gov](http://www.phila.gov) under "Open government."

If you have any questions regarding this notice or would like to schedule a re-inspection, please contact: DAVID ALISIO JR. [ALISIO.DAVID@PHILA.GOV](mailto:ALISIO.DAVID@PHILA.GOV) or the district office noted above.

ATTENTION: This is an important notice! For information in your language, call 215-686-8686

ATENCIÓN: ¡Este es un aviso Importante! Para recibir información en su idioma, llame al 215-686-8686

注意: 这是重要通知! 如果您需要以您的语言获得此信息, 请致电 215-686-8686

CHÚ Ý: Đây là thông báo quan trọng! Nếu bạn cần thư này bằng ngôn ngữ khác, vui lòng gọi 215-686-8686

주의: 중요 통지입니다! 이 서신을 귀하의 언어로 받고 싶으시면 215-686-8686번으로 전화하시기 바랍니다

توجہ فرمائیں: یہ ایک ضروری اطلاع نامہ ہے! ترجمے کی خدمات کے لیے 215-686-8686 پر کال کریں

ATTENTION : Cet avis est important ! Si vous avez besoin de cet avis dans une autre langue, appelez le 215-686-8686



# Exhibit “B”

Case ID: 230502578  
Control No.: 23054916



Department of Licenses and Inspections  
City of Philadelphia

# Final Violation Notice

**L&I File Number:** CF-2022-085440

## RESPONSIBLE PARTY

Hempstead Properties LLC  
105 Weir Street  
Hempstead, New York 11550

V3



## DISTRICT OFFICE

Construction Services North Central  
District  
1512-14 Cecil B Moore Ave  
Philadelphia, PA 19121  
215-683-0580  
Construction.NorthCentral@phila.gov

## PROPERTY IN VIOLATION

2565 N BANCROFT ST, Philadelphia, PA 19132-3932

## DATE OF NOTICE

09/24/2022

On 08/19/2022 the Department of Licenses and Inspections issued to you a Violation Notice and Order to Correct under the above file number. That Notice and Order gave you until 09/23/2022 to correct all conditions cited and notify the Department of Licenses and Inspections of such correction.

On 09/23/2022 the Department of Licenses and Inspection re-inspected/investigated the property in violation to determine whether you had corrected the cited violations. The inspection found that not all violations were corrected. The property remains in violation due to the violations/conditions indicated below.

## VIOLATIONS

PHILA. CODE S	PHILA. CODE LANGUAGE	CONDITION IN VIOLATION	LOCATION	FINE PER DAY
A-301.1/3	A building permit is required for altering, modifying, repairing or improving the exterior portion of the structure.	Observed new windows and doors throughout, rear door on second floor appears to be in preparation of a future deck. No permits in system	rear	\$300.00
A-301.1/64	A zoning permit is required for the construction, erection, removal, demolition, or change in exterior dimension of any structure.	Observed new windows and doors throughout, door in rear on second level. No deck constructed yet. No permits in system	rear	\$300.00



If the time for compliance stated above has passed and was not extended due to the filing of an appeal then the penalties stated in the Violation Notice and Order to correct, including but not limited to inspection fees and fines, will begin to accrue as of the date of this notice.

The City of Philadelphia will bill you for any fines, fees, or costs. Failure to pay these bills timely will result in additional amounts including but not limited to interest and the costs of collection by the City.

These amounts and/or additional penalties will continue to accrue until the Department removes the designation of in violation. You are responsible to notify the Department once the violations are corrected, although the Department may periodically reinspect even if not contacted.



**IF YOU HAVE ANY LEGAL QUESTIONS YOU SHOULD CONSULT WITH AN ATTORNEY.**

If you do not have an attorney, you can contact the Philadelphia Bar Association Referral and Information Line at 215-238-6333 to have an attorney referred to you. You can also find a list of legal aid service providers at <http://palegalaid.net/legal-aid-providers-in-pa>.

Case ID: 23050257  
Control No.: 23054910



Department of Licenses and Inspections  
City of Philadelphia

## × Final Violation Notice

L&I File Number: CF-2022-085440



The Philadelphia Code may be found online for free at [www.phila.gov](http://www.phila.gov) under "Open government."

If you have any questions regarding this notice or would like to schedule a re-inspection, please contact: MARK EVANS  
[Mark.Evans.Jr@phila.gov](mailto:Mark.Evans.Jr@phila.gov) or the district office noted above.

ATTENTION: This is an important notice! For information in your language, call 215-686-8686

ATENCIÓN: ¡Este es un aviso Importante! Para recibir información en su idioma, llame al 215-686-8686

注意: 这是重要通知! 如果您需要以您的语言获得此信息, 请致电 215-686-8686

CHÚ Ý: Đây là thông báo quan trọng! Nếu bạn cần thư này bằng ngôn ngữ khác, vui lòng gọi 215-686-8686

주의: 중요 통지입니다! 이 서신을 귀하의 언어로 받고 싶으시면 215-686-8686번으로 전화하시기 바랍니다

توجہ فرمائیے: یہ ایک ضروری اطلاع نامہ ہے! ترجمے کی خدمات کے لیے 215-686-8686 پر کال کریں

ATTENTION : Cet avis est important ! Si vous avez besoin de cet avis dans une autre langue, appelez le 215-686-8686